



Deval L. Patrick  
Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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Andrea J. Cabral  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

### **Board of Elevator Regulations – Hearing Minutes – December 3, 2013 Revised**

This meeting was held in accordance with G. L. c. 30A, §§18-25, the Open Meeting Law

#### **Present:**

Walter Zalenski, Chair

Cheri Davis, Member

David Gaudet, Member

Thomas Riley, Member

John O'Donoghue, Member

Deirdre Hosler, Legal Counsel

Harold McGonagle, Member

Kevin McGettigan, Member

Susan Genduso, DPS

#### **Absent:**

Michael Nicoloro, Member

Meeting is called to order and board members are introduced by the Chair – a quorum is present

#### **Minutes:**

- Review of Minutes of November 19, 2013  
Motion by: Kevin McGettigan to accept the minutes as read  
Seconded by: Cheri Davis  
Vote: 5-0, **Minutes Accepted**  
Abstained: Walter Zalenski and Harold McGonagle

#### **Petitions Heard:**

##### **I. 1800 Centre Street, West Roxbury, MA 02132 1-P-10928**

**524 CMR – 2008, Section 35, 3.19.4.7.3 – Installation prior to regulation**

**Owner: Rich Ordway, 70 Hastings Street, Wellesley, MA 02481**

**Petitioner: Andrew Maloney, Delta Beckwith, 115 Shawmut Road, Canton, MA 02021**

Petitioner is seeking relief from Inspectors Report #133578, dated July 26, 2013 (Item #2- Remove Victaulic fitting between the jack and rupture valve). In order to make this repair a complete cylinder replacement would be required because of insufficient space. A motion is put forth by Dave Gaudet to grant the relief because the elevator was installed prior to the regulation which would require removing the Victaulic fitting; however \*the Board recommends that the fitting be removed because of recognized safety issue. DPS shall abate Item #2 on inspectors report; all other items on inspectors report must be completed prior to re-inspection.

Motioned by: David Gaudet

Seconded by: Harry McGonagle

Vote: 5-2, **Relief Granted with recommendation\***

**II. 114 Ballard Street, Saugus, MA 01906**

**Part 20 ASME A17.1 - 1996 Rule 2000.7(a) – Vertical lift travel distance**

**Owner: Fox Hill Yacht Club, 114 Ballard Street, Saugus, MA 01906**

**Petitioner: Stephen Harper, Fox Hill Yacht Club**

Petitioner is seeking a variance from Part 20, A17.1-1996 Rule 2000 7(a) to install a vertical lift with a travel distance of approximately 13'-0". The lift is required to provide their aging members access to the second floor. A motion is put forth by John O'Donoghue to grant the variance to allow the installation of a lift with a vertical travel distance of 13'-4" with the \*condition that a folding wheelchair must be kept onsite for use in the lift.

Motioned by: John O'Donoghue

Seconded by: Harry McGonagle

Vote: 5-2, **Variance Granted with conditions\***

Opposed by: Kevin McGettigan and Walter Zalenski

**III. 15 Commonwealth Avenue, Boston**

**524 CMR 13.02(1) - Preliminary approval for Machine Room Less Elevator**

**Owner: Michael Cuggino, 15 Commonwealth Avenue, Boston, MA 02116**

**Petitioner: Robert Cleary Jr., Cleary Elevator 47 Intervale Street, Quincy, Ma 02169**

Petitioner is seeking a variance to install a six landing, Minnesota Elevator, MRL style elevator in a single family residence and is concerned about ADA size requirements. The ADA size requirements do not apply to this installation because it is being installed in an existing building. This MRL product has never been approved for installation in Massachusetts. Petitioner must re-file with a Petition for Product Variance and follow the procedure for product variance approval as outlined in 524 CMR 13.02 (1). A motion is put forth by Kevin McGettigan to place the petition on hold for 30 days, until the proper documentation is submitted to the Board.

Motioned by: Kevin McGettigan

Seconded by: Cheri Davis

Vote: 7-0, **Petition on Hold for 30 days**

**IV. 27 Providence Road, Millbury 186-V-55**

**ASME Section B20.1**

**Owner: IBA Inc., 27 Providence Road, Millbury, MA 01527**

**Petitioner: Paul Hasbrouck, Worcester Elevator Co. Inc., 4 Southbridge St., Auburn, MA 01501**

Petitioner is seeking relief from Inspectors Report #105118, dated August 21, 2013 (Item # 3- no SOS). This elevator was installed prior to 1989, under ASME Section B20.1, when the SOS (Safety Operating Switch) was not required. A motion is put forth by Kevin McGettigan to grant the relief. DPS shall abate Item #3 on Inspectors Report; all other items on Inspectors Report must be completed prior to re-inspection.

Motioned by: Kevin McGettigan

Seconded by: Thomas Riley

Vote: 7-0, **Relief Granted**

**Petitions Reviewed:**

**V. 524 Pleasant Street, Belmont 27-R-50**

**524 CMR 2012, 8.02 - Unsafe conditions**

**Owner: James Trainor, 524 Pleasant St., Belmont, MA 02478**

**Petitioner: James Trainor**

Petitioner is seeking relief from Inspectors Report #136439, dated September 9, 2013 (Item #2-worn hoist ropes and Item #4-machine very noisy, needs attention) and requests more time to complete the repairs. Petition was originally heard on October 29, 2013 and was placed on hold for further review by DPS. The DPS elevator inspector reported that he found numerous breaks in the hoist ropes and that the ropes must be replaced within 6 months time. The noisy machine was written up because the noise indicates that the elevator requires maintenance. A motion is put forth by David Gaudet to grant the relief to allow an additional 6 months for the hoist ropes to be replaced; repair must be completed by June 3, 2013. The Board further \*recommends that the owner's elevator company provide required maintenance to address Item #4, to check for necessary safety repairs. All other items on Inspectors Report must be completed prior to re-inspection.

Motioned by: David Gaudet

Seconded by: Kevin McGettigan

Vote: 7-0 **Relief Granted with \*recommendations**

**VI. 3 Washington Square, Haverhill 128-P-165**  
**524 CMR 2012, 17.02 (3) (a) (c) and 17.02 (12)**

**Owner: Mark J. Warner, Witmer, Karp, Warner & Ryan, LLP, 22 Batterymarch St., Boston 02109**

**Petitioner: Mark J. Warner, Trustee, Witmer, Karp, Warner & Ryan LLP**

Petitioner is seeking relief from Inspectors Report #135896, dated May 10, 2013 (Item #3 overhead machinery and sheaves shall be supported on steel beams, not on existing wood beams, and that all wood in the machine room must be fire rated). Petition was originally heard on October 1, 2013 and was placed on hold to allow time for the petitioner to submit a stamped and signed report from a License Massachusetts Engineer verifying the physical viability of the wood and that the wood beam can carry the load of the elevator. Report was received, reviewed and accepted by the Board. A motion was put forth by Thomas Riley to grant the relief for the wood beams to remain and for the machine room fire rating with the \*conditions that owner must replace existing door in machine room with code compliant door and must patch seams in walls achieving as much fire rating as possible. All other items on Inspectors Report must be completed prior to re-inspection.

Motioned by: Thomas Riley

Seconded by: John O'Donoghue

Vote: 7-0, **Relief Granted with \*conditions**

**VII. 8 Blakelin Street, Lawrence 149-V-463**  
**524 CMR – 2012, Section 32.06 (3) – Horizontal clearance and hoistway clearance**

**Owner: Eight Blakelin, LLC, PO Box 328, Lawrence, MA 01842**

**Petitioner: Eric White, Member, Eight Blakelin, LLC, PO Box 328, Lawrence, MA 01842**

Petitioner is seeking relief from Inspectors Report 117770, dated June 7, 2013 (Item #1 install baffles on inside of landing doors and Item #2 install bevels on ledges in the hoistway 4" or more). Petition was originally heard on November 5, 2013 and was placed on hold to allow time for DPS to clarify code relating to hoistway clearances for VRC. DPS verified that bevels are not required because VRC was installed in an existing elevator shaft. DPS shall abate Item #2; all other items on Inspectors Report must be completed prior to re-inspection.

Vote will be taken on the next Board of Elevator Regulations Meeting, December 17, 2013

**Code Review:**

The Chief received a request from an elevator manufacturer's representative to come before the Board and discuss ASME A17.7 – 2007, Performance Based Code. He would like the Board to consider adopting the code at the same time they consider the A10 Committee's recommendations. The Board determined that they will hear the recommendations of the A10 Committee as scheduled on December 17<sup>th</sup>. The Board will then decide what, if any version of ASME A17.1 – 2010 they will adopt. Once that decision has been made a Public Hearing will be scheduled to hear comments, that Public Hearing will allow him and opportunity to voice his comments. The Board also schedules two Public Hearings per year (May and October) to hear comments and recommendations.

A motion was put forth to adjourn the meeting by Kevin McGettigan, motion seconded by Harry McGonagle, all in favor. Meeting adjourned at 3:05 pm.

**Exhibit List:**

- Exhibit 1: Petition packet for 1800 Centre Street, West Roxbury
- Exhibit 2: Petition packet for 114 Ballard Street, Saugus
- Exhibit 3: Petition packet for 15 Commonwealth Avenue, Boston
- Exhibit 4: Petition packet for 27 Providence Road, Millbury
- Exhibit 5: Petition packet for 524 Pleasant Street, Belmont

Prepared by: Susan Genduso  
December 5, 2013